

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KHALIA HAYSLETT,

Plaintiff,

-against-

210 BEDFORD OWNERS LLC AND JUICE
GENERATION INC.,

Defendants.
-----X

Docket No.: 22-CV-05950
(FB) (VMS)

ANSWER

Defendants, 210 BEDFORD OWNERS LLC and JUICE GENERATION, INC., by their attorneys, MIRANDA SLONE SKLARIN VERVENIOTIS LLP, hereby answer the plaintiff's Complaint (hereinafter referred to as "complaint") as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "1" of the complaint and respectfully refer all questions of law to the Court.

2. Deny the allegations contained in paragraph "2" of the complaint.

3. Deny the allegations contained in paragraph "3" of the complaint except admit that this Court has primary jurisdiction over the federal claims asserted.

4. Admit the allegations contained in paragraph "4" of the complaint.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" of the complaint.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "6" of the complaint.

7. Admit the allegations contained in paragraph "7" of the complaint.

8. Admit the allegations contained in paragraph "8" of the complaint.

9. Admit the allegations contained in paragraph "9" of the complaint.

10. Admit the allegations contained in paragraph “10” of the complaint.

11. Admit the allegations contained in paragraph “11” of the complaint.

12. Deny the allegations contained in paragraph “12” of the complaint except admit that Juice Generation as an entity did receive loans through the “Paycheck Protection Program” for its operations, which allowed it to retain employees and continue providing New Yorkers with healthy alternatives through the pandemic, although it did have to close stores.

13. Admit the allegations contained in paragraph “13” of the complaint.

14. Admit the allegations contained in paragraph “14” of the complaint.

15. Deny the allegations contained in paragraph “15” of the complaint and begs leave to refer to actual application for its import, if any, with regard to this matter.

16. Deny the allegations contained in paragraph “16” of the complaint and respectfully refer all questions of law to the Court.

17. Admit the allegations contained in paragraph “17” of the complaint.

18. Admit the allegations contained in paragraph “18” of the complaint.

19. Deny the allegations contained in paragraph “19” of the complaint.

20. Deny the allegations contained in paragraph “20” of the complaint and respectfully refer all questions of law to the Court.

21. Deny the allegations contained in paragraph “21” of the complaint and respectfully refer all questions of law to the Court.

22. Deny the allegations contained in paragraph “22” of the complaint.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “23” of the complaint.

24. Deny the allegations contained in paragraph “24” of the complaint.

25. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “25” of the complaint.

26. Deny the allegations contained in paragraph “26” of the complaint.

27. Deny the allegations contained in paragraph “27” of the complaint.

28. Deny the allegations contained in paragraph “28” of the complaint.

29. Deny the allegations contained in paragraph “29” of the complaint.

30. Deny the allegations contained in paragraph “30” of the complaint.

31. Deny the allegations contained in paragraph “31” of the complaint.

32. Deny the allegations contained in paragraph “32” of the complaint.

33. Deny the allegations contained in paragraph “33” of the complaint.

34. Deny the allegations contained in paragraph “34” of the complaint.

35. Deny the allegations contained in paragraph “35” of the complaint.

36. Deny the allegations contained in paragraph “36” of the complaint.

37. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “37” of the complaint.

38. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “38” of the complaint.

39. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “39” of the complaint.

40. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “40” of the complaint.

ANSWERING THE FIRST CAUSE OF ACTION

41. As and for a response to paragraph “41” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs “1” through “40” of this Answer with

the same force and effect as is fully set forth at length herein.

42. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “42” of the complaint.

43. Deny the allegations contained in paragraph “43” of the complaint and respectfully refer all questions of law to the Court.

44. Deny the allegations contained in paragraph “44” of the complaint and respectfully refer all questions of law to the Court.

45. Deny the allegations contained in paragraph “45” of the complaint.

46. Deny the allegations contained in paragraph “46” of the complaint.

47. Deny the allegations contained in paragraph “47” of the complaint.

48. Deny the allegations contained in paragraph “48” of the complaint.

49. Deny the allegations contained in paragraph “49” of the complaint.

50. Deny the allegations contained in paragraph “50” of the complaint.

51. Deny the allegations contained in paragraph “51” of the complaint.

52. Deny the allegations contained in paragraph “52” of the complaint.

53. Deny the allegations contained in paragraph “53” of the complaint.

54. Deny the allegations contained in paragraph “54” of the complaint.

55. Deny the allegations contained in paragraph “55” of the complaint.

ANSWERING THE SECOND CAUSE OF ACTION

56. As and for a response to paragraph “56” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs “1” through “55” of this Answer with the same force and effect as is fully set forth at length herein.

57. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “57” of the complaint.

58. Deny the allegations contained in paragraph “58” of the complaint and respectfully refer all questions of law to the Court.

59. Deny the allegations contained in paragraph “59” of the complaint except admit the irrelevant PPP laws and respectfully refer all questions of law to the Court.

60. Deny the allegations contained in paragraph “60” of the complaint.

61. Deny the allegations contained in paragraph “61” of the complaint.

62. Deny the allegations contained in paragraph “62” of the complaint.

63. Deny the allegations contained in paragraph “63” of the complaint.

64. Deny the allegations contained in paragraph “64” of the complaint.

65. Deny the allegations contained in paragraph “65” of the complaint.

66. Deny the allegations contained in paragraph “66” of the complaint.

ANSWERING THE THIRD CAUSE OF ACTION

67. As and for a response to paragraph “67” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs “1” through “66” of this Answer with the same force and effect as is fully set forth at length herein.

68. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “68” of the complaint.

69. Deny the allegations contained in paragraph “69” of the complaint and respectfully refer all questions of law to the Court.

70. Deny the allegations contained in paragraph “70” of the complaint and respectfully refer all questions of law to the Court.

71. Deny the allegations contained in paragraph “71” of the complaint.

72. Deny the allegations contained in paragraph “72” of the complaint.

73. Deny the allegations contained in paragraph “73” of the complaint.

- 74. Deny the allegations contained in paragraph “74” of the complaint.
- 75. Deny the allegations contained in paragraph “75” of the complaint.
- 76. Deny the allegations contained in paragraph “76” of the complaint.
- 77. Deny the allegations contained in paragraph “77” of the complaint.
- 78. Deny the allegations contained in paragraph “78” of the complaint.

ANSWERING THE FOURTH CAUSE OF ACTION

79. As and for a response to paragraph “79” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs “1” through “78” of this Answer with the same force and effect as is fully set forth at length herein.

80. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “80” of the complaint.

81. Deny the allegations contained in paragraph “81” of the complaint and respectfully refer all questions of law to the Court.

- 82. Deny the allegations contained in paragraph “82” of the complaint.
- 83. Deny the allegations contained in paragraph “83” of the complaint.
- 84. Deny the allegations contained in paragraph “84” of the complaint.
- 85. Deny the allegations contained in paragraph “85” of the complaint.
- 86. Deny the allegations contained in paragraph “86” of the complaint.
- 87. Deny the allegations contained in paragraph “87” of the complaint.
- 88. Deny the allegations contained in paragraph “88” of the complaint.
- 89. Deny the allegations contained in paragraph “89” of the complaint.
- 90. Deny the allegations contained in paragraph “90” of the complaint.
- 91. Deny the allegations contained in paragraph “91” of the complaint.
- 92. Deny the allegations contained in paragraph “92” of the complaint.

- 93. Deny the allegations contained in paragraph “93” of the complaint.
- 94. Deny the allegations contained in paragraph “94” of the complaint.
- 95. Deny the allegations contained in paragraph “95” of the complaint.
- 96. Deny the allegations contained in paragraph “96” of the complaint.
- 97. Deny the allegations contained in paragraph “97” of the complaint.
- 98. Deny the allegations contained in paragraph “98” of the complaint.
- 99. Deny the allegations contained in paragraph “99” of the complaint.

ANSWERING THE FIFTH CAUSE OF ACTION

100. As and for a response to paragraph “100” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs “1” through “99” of this Answer with the same force and effect as is fully set forth at length herein.

- 101. Deny the allegations contained in paragraph “101” of the complaint.
- 102. Deny the allegations contained in paragraph “102” of the complaint.
- 103. Deny the allegations contained in paragraph “103” of the complaint.

ANSWERING THE SIXTH CAUSE OF ACTION

104. As and for a response to paragraph “104” of the complaint, defendants repeat and reallege each and every allegation contained in paragraphs “1” through “103” of this Answer with the same force and effect as is fully set forth at length herein.

105. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph “105” of the complaint.

- 106. Deny the allegations contained in paragraph “106” of the complaint.
- 107. Deny the allegations contained in paragraph “107” of the complaint.
- 108. Deny the allegations contained in paragraph “108” of the complaint.
- 109. Deny the allegations contained in paragraph “109” of the complaint.

110. Deny the allegations contained in paragraph “110” of the complaint.

111. Deny the allegations contained in paragraph “111” of the complaint.

112. Deny the allegations contained in paragraph “112” of the complaint.

113. Deny the allegations contained in paragraph “113” of the complaint.

AS AND FOR A FIRST AND COMPLETE AFFIRMATIVE DEFENSE

114. Plaintiff lacks standing to bring this claim.

AS AND FOR A SECOND AND COMPLETE AFFIRMATIVE DEFENSE

115. Removal of the alleged barriers is not readily achievable.

AS AND FOR A THIRD AND COMPLETE AFFIRMATIVE DEFENSE

116. The requested modifications would impose an undue burden on the defendant.

AS AND FOR A FOURTH AND COMPLETE AFFIRMATIVE DEFENSE

117. Removal of the alleged barriers would fundamentally alter the nature of defendant’s public accommodation.

AS AND FOR A FIFTH AND COMPLETE AFFIRMATIVE DEFENSE

118. The defendants adequately provide access through readily achievable "alternative methods" such as customer service and a portable ramp.

AS AND FOR A SIXTH AND COMPLETE AFFIRMATIVE DEFENSE

119. Any alleged renovations did not constitute alterations of the property.

AS AND FOR A SEVENTH AND COMPLETE AFFIRMATIVE DEFENSE

120. Defendant satisfied the maximum extent feasible standard.

AS AND FOR AN EIGHTH AND COMPLETE AFFIRMATIVE DEFENSE

121. Plaintiff’s claim is barred by the statute of limitations.

AS AND FOR A NINTH AND COMPLETE AFFIRMATIVE DEFENSE

122. The alterations sought would be disproportionate to the cost of the overall renovation.

AS AND FOR A TENTH AND COMPLETE AFFIRMATIVE DEFENSE

123. The alterations sought are technically infeasible.

AS AND FOR AN ELEVENTH AND COMPLETE AFFIRMATIVE DEFENSE

124. That defendants received an express waiver of the need for a permanent ramp from a State governmental entity concerned with “handicap accessibility” in 2014.

WHEREFORE, defendants request judgment dismissing the complaint and denying all relief requested therein, together with such other and further relief as the Court deems just and proper.

Dated: Mineola, New York
January 20, 2023

MIRANDA SLONE SKLARIN
VERVENIOTIS LLP
Attorneys for Defendants
210 BEDFORD OWNERS LLC and JUICE
GENERATION INC.



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TO: All parties via ECF